



Item:	B-1
Minutes for:	06/03/2020
Adopted:	08/05/2020

## MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL

June 3, 2020  
6:00 p.m.

Council Chambers  
City Hall

This meeting was conducted pursuant to the provisions of the Governor's Executive Order which suspend certain requirements of the Ralph M. Brown Act. The City Council meeting was live streamed on the City's website. Members of the public were able to participate in the meeting remotely through an electronic meeting in the following ways; via phone by dialing (669) 900-6833 enter ID: 946 8325 6867# followed by \*9 on their phone to speak. Comments were also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4<sup>th</sup> Street, Madera, CA 93637.

**CALL TO ORDER** – Meeting was called to order at 6:00 p.m.

### **ROLL CALL**

**Present:** Mayor Andrew J. Medellin  
Mayor Pro Tem Santos Garcia, District 5  
Councilmember Cece Gallegos, District 1  
Councilmember Jose Rodriguez, District 2  
Councilmember Steve Montes, District 3  
Councilmember Derek O. Robinson Sr., District 4  
Councilmember Donald E. Holley, District 6

**Absent:** None

Others present were City Manager Arnoldo Rodriguez, City Attorney Hilda Cantu Montoy, City Clerk Alicia Gonzales, Chief Building Official Steve Woodworth, City Engineer Keith Helmuth, Finance Director Roger Sanchez, Fire Division Chief Matt Watson, Grant Administrator Ivette Iraheta, HR Director Wendy Silva, Information Services Manager Mark Souders, Parks & Community Services Director John Scarborough, Interim Planning Manager Darrell Unruh, Chief of Police Dino Lawson, Interim Public Works Director Dan Foss, Administrative Analyst Adam Gonzales, Assistant Planner Jesus Orozco, and Associate Civil Engineer Victor Aldama.

**INVOCATION:** Pastor Marc Unger, First Baptist Church

**PLEDGE OF ALLEGIANCE:** Mayor Medellin

### **APPROVAL OF AGENDA**

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER ROBINSON, THE AGENDA WAS APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

## **PUBLIC COMMENT**

The first 15 minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

Mayor Medellin asked City Clerk Alicia Gonzales if any public comments had been received. None were received. Mayor Medellin closed public comment.

**WRITTEN COMMUNICATIONS:** None

## **PRESENTATIONS**

1. Department of Public Health Update on COVID-19 (Report by Sara Bosse, Madera County Public Health Department Director)
2. Youth Leadership Institute (Report by Yvette Flores, YLI Program Coordinator)

**INTRODUCTIONS:** None

### **A. WORKSHOP**

**A-1 Operating Budget 2020/21 Workshop** (Report by Roger Sanchez)

### **B. CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

**ON MOTION BY COUNCILMEMBER HOLLEY AND SECONDED BY COUNCILMEMBER GALLEGOS, THE CONSENT CALENDAR WAS APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**B-1 Informational Report on Register Audited Demands May 9, 2020 to May 23, 2020**  
**Recommendation:** No Action Required (Report by Roger Sanchez)

**B-2 Informational Report on Contract City Attorney Service Expenditures**  
**Recommendation:** No Action Required (Report by Arnoldo Rodriguez)

**B-3 Informational Report on Personnel Activity**

**Recommendation:** No Action Required (Report by Wendy Silva)

**B-4 Correction to Resolution No. 20-36 Relating to Senate Bill 1 Local Streets and Roads Funding Project List**

**Recommendation:** Adopt a Minute Order Approving a Corrected Exhibit A for Resolution 20-36 regarding the Project List for Fiscal Year 2020/21 Funded by Senate Bill 1 Road Maintenance and Rehabilitation Account – Local Streets and Roads Funding Program (Report by Keith Helmuth)

**B-5 Intersection Improvements at Isla Vista Court and Caitlan Drive**

**Recommendation:** Adopt a Minute Order Approving the Acceptance of the Construction of Intersection Improvements at Isla Vista Court and Caitlan Drive, City Project No. TS-30, Recording of Notice of Completion, Release of Retention 35 days after Recording Notice of Completion (Report by Keith Helmuth)

**C. PUBLIC HEARINGS**

**C-1 Public Hearing Regarding a General Plan Amendment and Related Rezoning of Property for Reconfiguration of Development Regarding Pecan Square Project (Pecan Avenue and State Route 145)**

**Recommendation:** Continue Public Hearing to the June 17, 2020 City Council Meeting (Report by Darrel Unruh)

**ON MOTION BY COUNCILMEMBER HOLLEY AND SECONDED BY COUNCILMEMBER ROBINSON, ITEM C-1 WAS CONTINUED TO THE JUNE 17, 2020 COUNCIL MEETING AND APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**C-2 Public Hearing Regarding a General Plan Amendment and Rezone of the Subject Properties to Allow for the Development of a 34-unit (Grove Gardens) Apartment Complex and Related Actions**

**Recommendation:**

1) Adopt a Resolution Amending the General Plan Land Use Designation for the Subject Properties Encompassing Approximately 1.8 Acres Located on the Southeast Corner of the Intersection of Maple Street and Noble Street from the Industrial to the High-Density Land Use Designation and Adopt the Associated Negative Declaration; and

2) Waive the Full Reading and Introduce an Ordinance Rezoning the Subject Properties Encompassing Approximately 1.8 Acres Located on the Southeast Corner of the Intersection of Maple Street and Noble Street from the Industrial to the PD-2000 Zone District (Report by Darrell Unruh)

**ON MOTION BY COUNCILMEMBER HOLLEY AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM C-2(1) AND C-2(2) WERE APPROVED UNANIMOUSLY BY A VOTE OF 7/0.**

**AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-81** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AMENDMENT OF THE GENERAL PLAN CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 1.8 ACRES OF LAND LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF MAPLE STREET AND NOBLE STREET FROM THE I (INDUSTRIAL) LAND USE DESIGNATION TO THE HD (HIGH DENSITY) LAND USE DESIGNATION AS IDENTIFIED WITHIN EXHIBITS "A" AND ADOPTING A NEGATIVE DECLARATION

**C-3 Automatic Extension of Business License Renewal and Bypass Delinquencies during the COVID-19 Pandemic for 3 Months**

**Recommendation:** Adopt a Resolution Allowing Automatic Extension of Business License Renewals and Bypass Delinquencies during the COVID-19 Pandemic for 3 Months through October 31, 2020 (Report by Roger Sanchez)

**ON MOTION BY COUNCILMEMBER HOLLEY AND SECONDED BY COUNCILMEMBER MONTES, ITEM C-3 WAS APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-82** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ALLOWING AUTOMATIC EXTENSION OF BUSINESS LICENSE RENEWAL AND BYPASS DELINQUENCIES UNDER CITY ORDINANCE CODE 6-1.19 DURING THE COVID-19 PANDEMIC FOR THE FIRST QUARTER OF FISCAL YEAR 2020/2021

**D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:**

**D-1 Side Letter Agreement Extending Memorandum of Understanding with the Madera Affiliated City Employees' Association**

**Recommendation:** Adopt a Resolution Approving a Side Letter Agreement between the City of Madera and the Madera Affiliated City Employees' Association (MACEA) (Report by Wendy Silva)

**ON MOTION BY COUNCILMEMBER HOLLEY AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-1 WAS APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-83** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND THE MADERA AFFILIATED CITY EMPLOYEES' ASSOCIATION AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

**D-2 Side Letter Agreement Extending Memorandum of Understanding with the Mid Management Employee Group**

**Recommendation:** Adopt a Resolution Approving a Side Letter Agreement between the City of Madera and the Mid Management Employee (Report by Wendy Silva)

**ON MOTION BY MAYOR PRO TEM GARCIA AND SECONDED BY COUNCILMEMBER HOLLEY, ITEM D-2 WAS APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-84** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND THE MID MANAGEMENT EMPLOYEE GROUP AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

**D-3 Agreement with Talley Oil, Inc. For Asphalt Pavement Crack Sealing**

**Recommendation:** Adopt a Resolution Approving the Agreement with Talley Oil, Inc. for Asphalt Pavement Crack Sealing in the Amount of \$380,160 (Report by Daniel Foss)

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-3 WAS APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-85** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT FOR ASPHALT PAVEMENT CRACK SEALING WITH TALLEY OIL, INC.

**D-4 Employment Agreement with Gary Conte to Serve as Planning Manager**

**Recommendation:** Adopt a Resolution Approving an At-Will Employment Agreement with Gary Conte to Serve as Planning Manager (Report by Wendy Silva)

**ON MOTION BY COUNCILMEMBER HOLLEY AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-4 WAS APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-86** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AT-WILL EMPLOYMENT AGREEMENT WITH GARY CONTE TO SERVE AS PLANNING MANAGER FOR THE CITY OF MADERA AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

**D-5 Tax Sharing Agreement between the City of Madera and the County of Madera**

**Recommendation:** Approve a Resolution Approving a One-Year Extension to the Current Agreement Set to Expire June 5, 2020 (Report by Arnoldo Rodriguez)

**ON MOTION BY COUNCILMEMBER HOLLEY AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-5 WAS APPROVED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-87** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A ONE-YEAR EXTENSION TO THE CURRENT AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY BETWEEN THE CITY OF MADERA AND THE COUNTY OF MADERA SET TO EXPIRE JUNE 5, 2020

**E. ADMINISTRATIVE REPORTS**

**E-1 Discussion on Status and Action Taken on Measures to Mitigate the Impacts of the COVID-19 (Coronavirus) Pandemic**

**Recommendation:** Deliberation and Direction given from Council (Report by Arnolando Rodriguez)

**F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendaized and which meet other requirements for action.

Councilmember Robinson stated he would like a resolution opposing SB 939 as it will affect their rural area and commercial businesses.

Councilmember Gallegos asked why Councilmembers were not invited to the Sikh donation of face masks as it is their place to receive the masks. Mayor Medellin stated that the Sikh community reached out to him and they did an impromptu disbursement. Everything was coordinated within a twenty-four (24) hour process. He apologized for not reaching out to the Councilmembers. Councilmember Gallegos stated that City Clerk Alicia Gonzales could have assisted in reaching out to them. Mayor Medellin apologized and stated it was done while running a business and doing a few other things and he should have passed it on to Ms. Gonzales to reach out to Council.

Mayor Pro Tem Garcia stated that United Farmworkers has been distributing 3,000 meals at the fairgrounds for the past five (5) weeks to those in need during this crisis. He stated he has not seen activities here such as those elsewhere regarding the death of Mr. Floyd. He stated he supports the Sherriff's Department, Police Department and Firefighters.

Councilmember Holley stated they met at Mo's Catering in a march of solidarity regarding the death of Mr. Floyd. He also asked when the sidewalk on "I" Street would be constructed. City Engineer Keith Helmuth stated that this item was heard in a 2014 Council meeting and it was determined that it could wait. It could be funded in several ways.

Mayor Medellin interjected and advised that the City Attorney reminds them that this is a section for Council reports on boards and commissions as opposed to making this a CIP report. City Attorney Hilda Cantu Montoy stated that Councilmembers can request a staff report for this item for a future meeting.

Councilmember Rodriguez echoed sentiments from Mayor Pro Tem Garcia. He stated those demonstrations should be made peacefully. He expressed that if their Police Department is not doing their duty, the public should make that known to them. It has not happened here as the Police Department is accessible to the community and they invite people to speak out on injustices. He thanked the Police Department.

Councilmember Montes echoed his colleague's sentiments. He stated law enforcement has been accessible to the community, so they will have different outcomes than other communities, because of how engaged they are with their residents.

Mayor Medellin thanked all volunteers and restaurants that participate in the United Farmworkers food distribution every Thursday. He stated that Community Action Partnership of Madera County (CAPMC) is going to have a Farmworker Appreciation this Friday. He thanked his colleagues for their comments on their Police Department. The Police Department has spent years cultivating the trust of the residents. Mayor Medellin stated high school students are putting together a candlelight vigil for Mr. Floyd on Friday at Courthouse Park. There will be another rally at Town and Country Park.

#### **G. CLOSED SESSION**

**G-1 Threat to Public Services or Facilities, Government Code Section 54957(a), Consultation with City Manager, City Attorney, and Chief of Police**

**G-2 Public Employee Performance Evaluation – Pursuant to Government Code §54957**  
Title: City Manager

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 9:02 p.m.

Council returned from closed session at 10:33 p.m. with all Councilmembers present.

City Manager Arnoldo Rodriguez stated there was no reportable action.

**ADJOURNMENT** – The meeting was adjourned at 10:33 p.m. Next regular meeting June 17, 2020.

#### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.

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ALICIA GONZALES, City Clerk

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ANDREW J. MEDELLIN, Mayor

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MINUTES PREPARED BY  
ZELDA LEON, Deputy City Clerk